

405 KAR 1:230. Steep slope mining.

RELATES TO: KRS 350.445

STATUTORY AUTHORITY: KRS 350.028

NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.028 requires the Environmental and Public Protection Cabinet to adopt rules and administrative regulations for the strip mining of coal. This administrative regulation sets forth additional requirements for strip mining on areas of steep slope.

Section 1. Permittees conducting strip mining operations on natural slopes that exceed twenty (20) degrees, or on lesser slopes that require measures to protect the area from disturbance, as determined by the cabinet after consideration of soils, climate, the method of operation, geology, and other regional characteristics, shall comply with all other applicable requirements of this chapter and in addition shall comply with the following requirements:

(1) Spoil, waste materials or debris, including that from clearing and grubbing, and abandoned or disabled equipment, shall not be placed or allowed to remain on the downslope.

(2) The highwall shall be completely covered with spoil and the disturbed area graded to comply with the provisions of 405 KAR 1:130 with regard to backfilling and grading. Land above the highwall shall not be disturbed unless the cabinet finds that the disturbance will facilitate compliance with the requirements of this administrative regulation.

(3) Material in excess of that required to meet the provisions of 405 KAR 1:130 shall be disposed of in accordance with the requirements of 405 KAR 1:140.

(4) Woody materials may be buried in the backfilled area only when burial does not cause, or add to, instability of the backfill. Woody materials may be chipped and distributed through the backfill when approved by the cabinet.

Section 2. The requirements of Section 1 of this administrative regulation do not apply where strip mining is done on a flat or gently rolling terrain with an occasional steep slope through which the mining proceeds and leaves a plain or predominantly flat area; or where mining is governed by 405 KAR 1:240 as related to mountaintop removal.

Section 3. Small operators as defined and qualified pursuant to 405 KAR 1:030, who are otherwise exempted from certain requirements of this chapter, are not exempted from Section 1(1) of this administrative regulation regarding the placement of materials on downslopes. (4 Ky.R. 398; eff. 5-3-78; Am. 499; 5 Ky.R. 210; eff. 8-23-78; TAm eff. 8-9-2007.)